

1 Adopt 2 Cal. Code Regs. section 18361.7 as follows:

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3 **18361.7. Executive Director Subpoena Authority.**

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5 Notwithstanding 2 Cal. Code Regs. section 18319:

6 (a) The Executive Director shall have the authority to issue subpoenas on behalf
7 of the Commission pursuant to Government Code sections 83118 and 11510. The
8 Executive Director shall not authorize the issuance of a subpoena duces tecum unless he
9 or she finds, based on information submitted to him or her in writing, that the information
10 requested in the subpoena is material to a specific matter then under investigation, and
11 that there is reason to believe that the person or entity to be subpoenaed has the desired
12 information under their control. The Executive Director may delegate in writing his or
13 her authority under regulation 18361.1 to issue subpoenas only to the General Counsel or
14 Chief of the Enforcement Division and then only when the Executive Director believes
15 he or she cannot be fair or impartial with respect to a particular matter or when he or she
16 will be away from the offices of the Commission.

17 (b) The Executive Director may delegate in writing any other authority under
18 regulations 18361.1 through 18361.8 only to the General Counsel and then only when the
19 Executive Director believes he or she cannot be fair or impartial with respect to a
20 particular matter or when he or she will be away from the offices of the Commission.

21 NOTE: Authority: Section 83112, Government Code.

22 Reference: Sections 83115, 83115.5 and 83116, Government Code.

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